

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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In Re:

Chapter 13

Case No. 21-00742

Joelle Hernandez

Debtor

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that October 15, 2021 on at 10:15 a.m, I will appear before the Honorable LaShonda A. Hunt or any judge sitting in that judge's place and present the motion of PNC Bank, National Association for Relief from the Automatic stay, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.**

No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 161 165 5696 and the password is 7490911. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Date: September 24, 2021

/s/ Michael Dimand  
Michael Dimand

Marinosci Law Group  
134 N LaSalle, Suite 1440  
Chicago, IL 60602  
312-940-8580; Fax: 401-234-5130  
ILWIBK@mlg-defaultlaw.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2021 a copy of the foregoing Notice of Motion and Motion for Relief from Stay was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David M Siegel  
o/b/o Debtor  
davidsiegelbk@gmail.com

Glenn B Stearns  
Trustee  
[TRUSTEE EMAIL]

Patrick S. Layng  
U.S. Trustee  
USTPRegion11.ES.ECF@usdoj.gov

I further certify that on September 24, 2021, a copy of the foregoing Notice of Motion and Motion for Relief from Stay was mailed by first-class U.S. Mail, postage prepaid and properly addressed to the following:

Joelle Hernandez  
170 John St  
New Lenox, IL 60451

/s/ Michael Dimand  
Michael Dimand

**UNITED STATES BANKRUPTCY COURT  
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In Re:

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY (REAL PROPERTY)**

PNC Bank, National Association (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §362, for relief from the automatic stay with respect to certain real property of the Debtor having an address of 170 John St, New Lenox, IL 60451 (the “Property”). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on January 20, 2021.
2. A Chapter 13 Plan has been confirmed on April 9, 2021.
3. The Debtor executed and delivered or is/are otherwise obligated with respect to that certain promissory note in the original principal amount of \$106,455.00 (the “Note”). A copy of the Note is attached hereto as Exhibit 2. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain Mortgage (the “Mortgage”), all obligations (collectively, the “Obligations”) of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as Exhibit 3.
5. As of September 13, 2021 the outstanding amount of the Obligations is: \$136,255.00.
6. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested herein, Movant has incurred \$1,050.00 in

legal fees and \$188.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

7. The Chapter 13 plan indicates post-petition mortgage payments will be paid by the Debtor to Movant.

8. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed by the Debtor:

3 Payments 7/1/2021-9/1/2021 @ \$1,109.22 =	\$3,327.66
Less Suspense	\$140.78
Total Due	\$3,186.88

9. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected.
- (b) Movant's interest in the collateral is not protected by an adequate equity cushion.
- (c) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B) the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. Movant further requests that upon entry of an order granting relief from stay, it be exempted from further compliance with Fed. Rule Bankr. P. 3002.1 in the instant bankruptcy case.

5. For such other relief as the Court deems proper.

Respectfully submitted,

/s/ Michael Dimand  
Attorney for Movant

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